



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: March 24, 2004
TO: Judicial Candidates
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: Redesignated Judicial Positions

***** IMPORTANT NOTICE *****

This memo provides notice of those “incumbent” judicial positions which have been redesignated as “non-incumbent” positions due to the incumbent’s failure to file for reelection by March 22, 2004 – the filing deadline imposed on judicial incumbents who wish to gain access to the August 3 primary ballot through the submission of an Affidavit of Candidacy. This notice is provided in compliance with PA 218 of 1999.

Information on several modifications made in the judicial office designations due to changing circumstances involving the judicial office to be filled is also provided.

Background

PA 218 of 1999 stipulates that in instances where a candidate for Court of Appeals Judge, Circuit Court Judge, District Court Judge, Probate Court Judge or Probate District Court Judge seeks election in a district where there are a combination of “new” positions, “incumbent” positions and/or “non-incumbent” positions to fill, the candidate must “apply to the Bureau of Elections for a written statement of office designation to correspond to the judgeship sought by the candidate.”

PA 218 of 1999 further directs the Bureau of Elections to designate a judicial position as an “incumbent” position in any instance where (1) there is an incumbent judge eligible to seek reelection to the position and (2) the deadline for filing the Affidavit of Candidacy has not yet elapsed. If the incumbent judge does not file for reelection by the deadline for submitting an Affidavit of Candidacy, the amendment directs the Bureau of Elections to (1) redesignate the position as a “non-incumbent” position (2) notify all candidates seeking election in the judicial district that a “non-incumbent” position exists. The amendment further stipulates that in such instances, (1) nominating petition sheets circulated for the “non-incumbent” position subsequent to the Affidavit of Candidacy filing deadline “shall bear an office designation of non-incumbent position” and (2) signatures collected prior to the Affidavit of Candidacy filing deadline “may be filed with the non-incumbent nominating petitions.”

The Affidavit of Candidacy filing deadline established for the August 3, 2004 primary elapsed on March 22, 2004.

Redesignated Judicial Positions

The “incumbent” judicial positions which have been redesignated as “non-incumbent” positions are shown below. In each case, *all* positions available in the circuit or district are listed to avoid any confusion over the position or positions which have been redesignated.

Initial Designation	Redesignation
<i>3rd Circuit Court</i> 20 Regular Terms – Incumbent Positions 1 Partial Term, Ending 2009 – Incumbent Position 2 Partial Terms, Ending 2007 – Incumbent Positions	<i>3rd Circuit Court</i> 19 Regular Terms – Incumbent Positions 1 Regular Term – Non-Incumbent Position 1 Partial Term, Ending 2009 – Incumbent Position 2 Partial Terms, Ending 2007 – Incumbent Positions
<i>8th District Court, Div. 1</i> 2 Regular Terms – Incumbent Positions	<i>8th District Court, Div. 1</i> 1 Regular Term – Incumbent Position 1 Regular Term – Non-Incumbent Position
<i>53rd District Court</i> 1 Regular Term - Incumbent Position	<i>53rd District Court</i> 1 Regular Term – Non-Incumbent Position
<i>55th District Court</i> 1 Regular Term - Incumbent Position	<i>55th District Court</i> 1 Regular Term – Non-Incumbent Position
<i>86th District Court</i> 1 Regular Term - Incumbent Position	<i>86th District Court</i> 1 Regular Term – Non-Incumbent Position

Other Judicial Office Designation Modifications

The judicial position designations which have been modified due to changing circumstances involving the judicial office to be filled are shown below. In each case, *all* positions available in the district are listed to avoid any confusion over the position or positions which have been modified.

Initial Designation	Modification
<i>6th Circuit Court</i> 4 Regular Terms – Incumbent Positions 1 Regular Term - Non-Incumbent Position 1 Partial Term, Ending 2007 - Incumbent Position 1 Partial Term, Ending 2007 - Non-Incumbent Position	<i>6th Circuit Court</i> 4 Regular Terms – Incumbent Positions 1 Regular Term, Non-Incumbent Position 2 Partial Terms, Ending 2007 - Incumbent Positions

Change: Incumbent judge died February 9. Replacement appointed to fill vacancy March 19. Appointee filed for reelection March 19.

Initial Designation

Modification

25th District Court

1 Regular Term - Non-Incumbent Position

25th District Court

1 Regular Term - Incumbent Position

Change: Incumbent judge retired September 2. Replacement appointed to fill vacancy March 19. Appointee filed for reelection March 22.

50th District Court

1 Regular Term - Incumbent Position

1 Partial Term, Ending 2009 - Incumbent Position

1 Partial Term, Ending 2009 - Non-Incumbent Position

50th District Court

1 Regular Term - Incumbent Position

2 Partial Terms, Ending 2009 - Incumbent Positions

Change: Incumbent judge retired January 1. Replacement appointed to fill vacancy March 19. Appointee filed for reelection March 19.

Barry County Probate Court

None

Barry County Probate Court (Effective March 29)

1 Partial Term, Ending 2007

Change: Incumbent judge scheduled to retire March 26. Replacement appointed to fill vacancy March 19. Appointee assumes office March 29.

Dickinson County Probate Court

1 Partial Term – Non-Incumbent Position

Dickinson Probate Court

1 Partial Term – Incumbent Position

Change: Incumbent judge died December 19. Replacement appointed to fill vacancy March 19. Appointee filed for reelection March 19.